



Mr. Harry Wartnick
September 22, 1994
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RE: REDACTED

was seen on May 23, 1990 by Dr. Robert Cassidy. He had stage 4 adenocarcinoma of the left lung metastatic to the left retina and left axilla. He was receiving radiation to the left retinal metastasis and getting concurrent chemotherapy. He had completed the radiation therapy to the retina. He tolerated it without difficulty. At the end of radiation, his blurred vision had resolved although a black spot persisted in his left visual field.

was seen by Dr. Jackson on June 11, 1990. His vision had improved. The plan was to give him additional chemotherapy that day.

He was next seen on July 9, 1990. He still complained of some discomfort in his left upper, anterior and posterior chest. His chest film showed mild to moderate decrease in size of the tumor. He had moderate nausea and vomiting after the chemotherapy. On examination of his chest, there were diminished breath sounds. There were no rales heard. Chemotherapy was administered the next day.

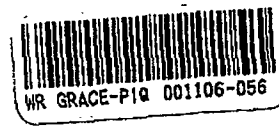
Chest films were obtained on July 9, 1990. A 4 cm opacity was seen in the superior segment of the left lower lobe slightly less prominent than on May 1. There were prominent markings in the anterior lung fields on the lateral view. Prominent markings were seen in the right lateral costophrenic angle.

was seen on July 20, 1990. He was receiving palliative radiation to the left retinal metastasis and getting chemotherapy. He continued to complain of intermittent left anterior, posterior and lateral chest pain relieved by analgesics. The pain was somewhat worse than one month previously. His chest film showed decreased size of the left lung tumor.

I have reviewed a portion of a psychology note dated July 24, 1990. Mr. Kraft was 66 years of age. He was recently retired. He was a self-employed general contractor. He was married for 10 years. He was diagnosed with lung cancer four months previously. The cancer had metastasized. He was receiving chemotherapy. He was depressed. He denied suicidal ideation. His appetite was satisfactory. He was able to sleep except during periods of chemotherapy.

was seen by Dr. Jackson on August 13, 1990. He tolerated the last chemotherapy with 5 FU, Oncovin and mitomycin. He appeared to have a good response to chemotherapy and radiation therapy. He was given additional chemotherapy.

He was seen on September 10, 1990. He was feeling better. He was not depressed. He had diminished breath sounds in his chest. He was given additional chemotherapy that day.



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Dr. Robert Cassidy saw [REDACTED] on September 14, 1990. He had near complete resolution of his left posterior scapular pain. He was using Tylenol at night. There was no change in his breath, appetite or energy level.

[REDACTED] was seen by Dr. Jackson on October 3, 1990. He tolerated chemotherapy well. He had no cough, GI symptoms, bone pain or fever. His chest was clear. He was given more chemotherapy.

A chest film was obtained on October 26, 1990. There was no change in the size of the previously described nodule. On the lateral view, pleural reaction or a new lesion against the proximal portion of the sternum could not be excluded. A hiatal hernia was also seen on the lateral view.

[REDACTED] returned on October 30, 1990. A chest film did not show any decrease in size of the primary malignancy compared to July 7 and there was possible slight anterior pleural involvement on the lateral view. He was placed back on platinum and VP16.

A chest PA and lateral were obtained on November 13, 1990. There was no malignancy in the superior segment of the left lower lobe unchanged from July 9, 1990 and October 26, 1990, although smaller than May 1, 1990. The left hilar adenopathy had also regressed since May 1. There was some underlying chronic fibrosis and nodular densities identified in the lower right lateral lung. There was a pleural based density seen. There were diffuse moderate degenerative changes of the spine.

He was next seen on November 14. On examination, rales were heard in the chest. [REDACTED] complained of pain in his spine and across his anterior chest. A chest film showed the left posterior lung mass to be slightly larger. The pleural based lesion was also larger. He was thought to have progression of the lung cancer despite chemotherapy.

Dr. Robert Cassidy saw [REDACTED] on November 16, 1990. Chest x-ray showed nodules in both lungs. He had worsening chest pain, shortness of breath and diminished energy. His lungs were clear. Palliative radiation was recommended.

He was seen on December 11, 1990. He had increased chest pain. He was given Tylenol No. 3.

He was next seen on December 31, 1991 complaining of difficulty swallowing.

He was seen on January 2, 1991. He had somewhat less coughing and chest pain. He had mild dyspnea. [REDACTED] complained that her husband was forgetful. His gait was

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somewhat unsteady. He had diminished breath sounds in his chest. Additional chemotherapy was recommended.

He was seen by Dr. Cassidy on January 2, 1991. The dysphagia and left rib pain had resolved. His nausea and appetite were improved. Over the previous two weeks, he gained 10 pounds. He continued to have cough productive of whitish sputum. He complained of mild substernal-pleuritic chest pain. He had no fever or chills. On examination, he had fine crackles at the bases.

A chest film was done on January 9, 1991. There was a new area of relatively localized pleural thickening involving the left mid lung posterolaterally. There was no pleural effusion.

He was seen on January 14, 1991. was rapidly deteriorating. He had increasingly severe dyspnea on the slightest exertion and some dyspnea at rest. He had minimal cough. He complained of mild anterior and posterior chest pain. His appetite was poor. He could hardly swallow pills. He stopped most of his cardiac medications. On examination, he was very dyspneic. His heart rhythm was irregular. He was diagnosed with rapidly advancing lung cancer. desired not to have any more chemotherapy and wished to have terminal care. He was placed on oxygen and methadone.

I have reviewed a radiation oncology completion note dated January 21, 1991 by Dr. Robert Cassidy from the University of Arizona. completed a palliative course of radiation therapy to his left lung. He had treatment from November 20, 1990 to December 20, 1990.

He was seen on January 23, 1991. He was better on oxygen and prednisone. His pain was barely controlled on Tylenol No. 3 so he did not start the methadone. He developed foot drop on the right. He had diminished breath sounds. He was given Percocet and was started on hospice home care.

Review of Death Certificate. expired on February 11, 1991 of cancer of the lung. No autopsy was performed.

Review of Social Security Itemized Statement of Earnings. From 1942 to 1946, worked part time for the R.A.C. Corporation of Farmingdale, New York. From 1946 to 1947, he worked for Viebrock and Bertelsen of Freeport, New York. He worked for other employers for short periods of time in 1947 and 1948. From mid 1948 through 1950, he worked for Cord Viebrock of Freeport, New York. During portions of 1948 and 1949, he worked for Roland Hampton of Hempstead, New York. Through all of 1950 and early

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1951, he worked for Fairchild Industries. From 1951 to 1955, he worked part time for the Sperry Corporation. From 1953 to 1955, he worked part time for the International Union of Electrical, Radio and Machine Workers. From 1957 to 1960, he worked for Jalindow Incorporated for Merritt, New York. From 1955 to 1982, he was self-employed. During the same time, he worked for a number of other development or construction companies, particularly in the early 1970s.

Report of Dr. Samuel Hammar dated May 10, 1991. Dr. Hammar reviewed slides from bronchial washings. No malignant cells were seen. He reviewed a transbronchial biopsy which demonstrated moderately to poorly differentiated adenocarcinoma. There was a piece of focal peripheral lung tissue showing compressive atelectasis. In one of the pieces, there was some iron material associated with black mineral dust which was thought to possibly represent a portion of an asbestos body although no intact asbestos bodies were seen.

Diagnoses

1. Metastatic adenocarcinoma of the lung.
2. Coronary artery disease, status post myocardial infarction, angina and ventricular arrhythmias.
3. History of aortic aneurysm repair.
4. History of colectomy for diverticulitis.
5. History of GI bleeding.
6. History of bladder tumor.
7. History of hypertension.

Discussion

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presented in the winter and spring of 1990 with a number of complaints including reduction in his vision of his left eye, a nonproductive cough, fatigue and chest pain. He saw an ophthalmologist who saw a lesion in the left eye which was thought to represent a malignancy and recommended that he receive follow-up care to look for a primary lesion.

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A chest x-ray demonstrated a 4.5 cm lesion in the superior segment of the left lower lobe. He was subsequently referred to a pulmonary specialist who performed bronchoscopy in early May, 1990. Transbronchoscopic lung biopsy demonstrated adenocarcinoma of the lung.

He was subsequently referred to Dr. Ralph Jackson, an oncologist, who began him on chemotherapy which he received through the remainder of 1990. In addition, in May, 1990 he received radiation to the left retina which resulted in improvement in his vision. In November and December, 1990 he received palliative radiation therapy to the lung. Nevertheless, in the late fall 1990 and early 1991, he continued to deteriorate and died of complications of the metastatic adenocarcinoma of the lung.

There are two factors which should be considered in the causation of his lung cancer. They are 1) cigarette smoking and 2) asbestos exposure. The information in the medical records indicate that [REDACTED] smoked about two packs of cigarettes per day for 22 years or about 44 pack years. However, he stopped smoking at age 40 which was 25 year prior to the presentation with lung cancer. Many studies have been reported in the world's literature demonstrating that individuals who smoke are at increased risk for lung cancer. Studies have also demonstrated that once individuals stop smoking, the risk for developing lung cancer falls substantially. The first American Cancer Society study indicates that once individuals have stopped smoking for 10 years, the risk of developing lung cancer falls to that of the non-smoking population. Other studies have not been nearly as optimistic. While the risk for lung cancer has fallen, it has fallen much more slowly. Because of the very long interval from the time he stopped smoking to the time he was diagnosed with lung cancer, I think it is unlikely that [REDACTED] smoking contributed to the development of his malignancy. If it contributed at all, it did so to a small extent.

According to your office, [REDACTED] was previously exposed to asbestos. According to your office, his son has indicated that he worked with his father during the 1960s when they worked in Long Island, New York and in the 1970s in Arizona. In the 1960s, [REDACTED] and his son were doing remodeling and repair. This involved removing dry wall and installing new dry wall and doing drywall taping as well as sanding of the dry wall. In the 1970s, [REDACTED] worked in Arizona. He was involved in renovation of HUD housing and repair of housing through the Farmers Home Administration. He was involved in the renovation of housing. This included removing old floor tile which contained asbestos. He tore out dry wall. He installed new dry wall and did drywall taping. The drywall taping was done with asbestos containing material. In addition, in the 1970s in Arizona, [REDACTED] used an asbestos containing tape which was used for insulation on furnaces and water heaters.

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son also indicated that he and his father worked on their own houses removing asbestos floor tiles and asbestos insulation.

Therefore, was exposed to asbestos in the 1960s and through much of the 1970s as a construction worker.

Many studies have been reported in the world's literature demonstrating that workers previously exposed to asbestos are at risk for developing lung cancer. There is a known dose response relationship for this disease. That is, the greater the asbestos exposure, the greater the risk for developing lung cancer.

A number of studies have been reported looking at the types of lung cancer in asbestos workers. I have reviewed this literature and I have concluded all histologic types including adenocarcinoma are increased in asbestos workers.

In summary, died of complications of having adenocarcinoma of the lung. His prior asbestos exposure in construction over a period of more than one decade is the cause. I am uncertain whether his history of smoking contributed to the development of the malignancy.

Thank you for referring the case of for my evaluation.

Sincerely,

Barry R. Horn, M.D.

BRH/js

REDACTED

DIAGNOSTIC SPECIALTIES LABORATORY, INC., P.S.
700 LEBO BOULEVARD/P.O. BOX 2171
BREMERTON, WASHINGTON 98310



Name: REDACTED Age: DOB: Attorney: W
Patient No: CONSULTATION Date: 5/10/91
Requested: Susy Meyer, Legal Assistant to Harry F. Wartnick, Attorney at Law, Law Offices of Cartwright Slobodin Bokelman Borowsky Wartnick Moore & Harris, 101 California Street #2600, San Francisco, California 94111
Specimens: REVIEW OF SLIDES (14) + (1) paraffin block
C-4661-90 (4) St. Joseph Hospital
C-4662-90 (7) 350 North Wilmet Road
S-7355-90 (3) + (1) Tuscon, Arizona 85711

All from attorney's office

Received from Susy Meyer, Legal Assistant to Harry F. Wartnick, Attorney at Law, Law Offices of Cartwright Slobodin Bokelman Borowsky Wartnick Moore & Harris, San Francisco, California, are fourteen glass slides plus one paraffin block for review. Also received are various medical records and reports concerning

The letter from Ms. Meyer states that died at age 66 from a left upper lobe cancer, in February of 1991. was employed as a construction worker and contractor who specialized in repairing and renovating housing. He did this from approximately 1973 to 1980. He recalled being exposed to asbestos during most phases of construction, which included roofing, insulating, plumbing and installing electrical equipment. He was also exposed to asbestos while demolishing existing housing that probably contained asbestos insulation. He specifically recalled 100-foot rolls of asbestos insulation that he would cut up to wrap furnaces, water heaters and ventilator pipes. Ms. Meyer's letter indicates that smoked about two packs of cigarettes a day from approximately age 18 (1924) to age 40 (1964), an approximate 44 pack-year history of cigarette smoking. He quit smoking cigarettes in 1964, and had not smoked since that time.

There is a clinical history from University Medical Center in Tuscon, Arizona, dictated by Drs. Richard B. Wilder and J. Robert Cassady, dated May 11, 1990, stating that is a 66-year-old man with a 45 pack-year history of smoking, who quit smoking 25 years ago, and who developed constant sharp pleuritic left-sided chest pain five months previously. The pain gradually increased in severity to the point that it was only partially alleviated by Tylenol with codeine. also developed blurred vision and a black spot in his left visual field about three months ago, and the ocular symptoms gradually worsened. In about March, developed a non-productive cough, and in April experienced occasional wheezing. A physical examination was remarkable for a yellowish lesion involving the left macula, which was thought to be a metastatic tumor or a primary melanoma. A chest radiograph revealed a 4.5 cm mass in the left mid-lung field and left hilar adenopathy. No metastatic lesions were present in the thoracic spine or ribs. A CBC and chemistry screen

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ACCESSION NO. L-131-91

Keith O. Hallman, M.D.

Samuel P. Hammar, M.D., Director

John P. Matan, M.D.

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consultation
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were normal except for a mildly elevated alkaline phosphatase. Bronchoscopy was performed, and a transbronchial biopsy was stated to show adenocarcinoma. Past medical history states that there was a history of hemorrhage in the right eye in 1979, resulting in blindness. The patient also had a history of a myocardial infarct in 1973, and two-vessel coronary artery disease. He had had a transurethral resection of a bladder tumor in 1973, and an aortic aneurysm repaired in 1980. He was on several different medications. His family history was negative. The social history states that he used to work as a building contractor, and believes he was exposed to asbestos. His physical examination was relatively normal. There was a speckled yellowish lesion measuring one optic disc in diameter in the left retina adjacent to the macula. There was no supraclavicular or inguinal adenopathy. There were fine crackles present at the base of the right lung. The patient's tumor was diagnosed clinically as a T₂N₁M₁, stage IV adenocarcinoma, with metastases involving the left retina and left axilla.

There is a copy of a chest radiograph report dated August 2, 1986 stating that there was diffuse increased interstitial markings present. There was a 12-mm nodular density at the right base of the lung which was present in 1981, and most likely represented a benign process. Cardiomegaly was also present. The increased interstitial markings were nonspecific, but congestive heart failure was one possible explanation. I cannot locate any other chest radiograph reports. There are many notes present in the chart concerning the fact that the patient was treated with combination chemotherapy and radiation. As of January 14, 1991 he was described as deteriorating rapidly, with increasing severe dyspnea on exertion and dyspnea at rest.

A letter-report addressed to Mr. Harry Wartnick, Attorney at Law, San Francisco, California, from Dr. Barry R. Horn, dated June 24, 1991, indicates that Dr. Horn had reviewed chest radiographs, dating from 1982 through 1991. The films in 1982 showed interstitial markings that appeared to be at the upper limits of normal, corresponding to an I.L.O. classification of s/t 0/1. No definite pleural disease was identified. Similar observations were made on the chest radiographs dated July 6, 1983. The chest radiographs dated January 12, 1984, showed interstitial markings that had increased, with an I.L.O. classification of t/s 1/0. The chest radiographs dated June 20, 1986 showed interstitial markings mildly increased, corresponding to an I.L.O. classification of t/t 1/0. In all of these films, beginning in 1982, a mass was seen in the right middle lobe that was unchanged from the previous films. The films dated May 1, 1990 showed a mass in the left mid-lung field measuring 4.5 x 4.5 cm, and on the lateral film appeared to be in the anterior segment of the left lower lobe. There was prominence of the left hilum suggesting adenopathy. Interstitial markings were increased, and corresponded to an I.L.O. classification of t/t 1/1. Similar observations were made on the chest films dated July 9, 1990 and October 26, 1990. The films of November 13, 1990 showed interstitial markings that appeared more prominent, classified by Dr. Horn as t/t 2/1. The films reviewed by Dr. Horn dated January 9, 1991 showed increased interstitial markings corresponding to an I.L.O. classification of t/t 2/2. Dr. Horn indicated there was a suggestion of honeycombing on these films. No definite pleural disease was identified.

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ACCESSION NO. L-131-91

Keith O. Hallman, M.D.

Samuel P. Hammar, M.D., Director

John P. Matan, M.D.

REDACTED

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consultation
page -3-**Review of Outside Slides:**

Four glass slides for review are designated C-4661-90. These probably represent cytologic preparations of bronchial washings, and consist of a relatively hypocellular specimen. A few respiratory columnar epithelial cells are identified. A rare inflammatory cell is seen. No cytologically malignant cells are noted.

Seven glass slides are designated C-4662-90, and are artefactually distorted, especially the smears. The cell blocks show abundant debris and degenerating cells, some of which are superficial squamous cells. Also present are numerous polys. I do not identify any intact viable neoplastic cells.

Three glass slides and one block are designated S7355-90, and represent the transbronchial biopsy specimen. These slides show a moderately to poorly-differentiated adenocarcinoma consistent with a primary pulmonary adenocarcinoma. There is focal peripheral lung tissue present that shows compressive atelectasis. A small amount of black mineral dust is present, and in one of the pieces of tissue there is some iron material associated with the black mineral dust, which theoretically could be part of an asbestos body, although no intact asbestos bodies are seen.

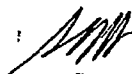
The following summary statements can be made in this case:

1. The patient was a 66-year-old man with a 45 pack-year history of cigarette smoking, having quit smoking in 1964. He had a history of occupational exposure to asbestos while working in the construction trade.
2. In approximately January of 1990 he developed left-sided chest pain that was initially pleuritic, which increased in intensity. He also developed ocular symptoms consisting of a left visual field defect.
3. Optic examination showed an area of abnormality adjacent to the macula that was thought to represent either a metastatic neoplasm or a primary retinal melanoma. A chest radiograph subsequently showed a 4.5 cm mass in the left mid-lung field with left hilar adenopathy. He was subsequently identified as having left axillary adenopathy.
4. A transbronchial biopsy was done. I have reviewed these slides (S-7355-90) and they show a moderately-differentiated adenocarcinoma consistent with a primary pulmonary adenocarcinoma.
5. Dr. Barry R. Horn reviewed multiple sets of chest radiographs taken of . As early as 1982 these showed a slight increase in interstitial markings, which steadily progressed to the point that by 1991 they were classified according to the I.L.O. classification as t/t 2/2, and Dr. Horn indicated that there was a suggestion of honeycombing. Clinical examination in January of 1990 described fine crackles at the right base, which would be consistent with interstitial fibrosis.
6. Assuming that the interstitial markings observed by Dr. Horn in the chest radiographs represent asbestosis, I believe that lung cancer was causally related to asbestos. Whether or not cigarette smoke was a factor in the development of his lung cancer is less clear, wince he quit smoking in 1964, which was more than 20 years before the radiographic identification of his left lung mass.

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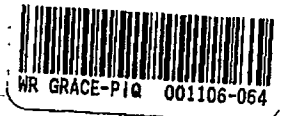
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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO.

REDACTED

and

Plaintiffs,

vs.

RAYBESTOS-MANHATTAN,
 INC., et al.,

Defendants.

No. 933909

PLAINTIFF'S ANSWERS TO
 WRONGFUL DEATH INTERROGATORIES
 BY DEFENDANTS

REDACTED

Comes now plaintiff , and responds to defendants' wrongful death interrogatories as follows. Please note that plaintiff has only just begun discovery in this case and that discovery is continuing with respect to each interrogatory and sub-interrogatory. In addition, plaintiff respectfully objects to each interrogatory and sub-interrogatory insofar as it calls for privileged work product or privileged attorney-client communication and insofar as it constitutes an invasion of privacy as guaranteed by Article I, Section I of the California



Constitution. Without waiving these objections, plaintiff responds as follows:

- 1A.
(a) **REDACTED**
(b)
(c)
(d)
(e)
(f)
(g)
(h) Not applicable.
(i) Not applicable.
(j) Not applicable.
(k) Arizona T354569.
(l)
(m) 12th grade plus.
(n) Not applicable.
(o) Not applicable.
(p) Lester Smith.
(q) 1963.
(r) Divorced in Des Moines, Iowa in November 1968.

- 1B.
(a) **REDACTED**
(b)
(c)
(d)
(e)
(f)
(g) Not applicable.
(h) Not applicable.
(i)
(j) Arizona T145068.
(k)
(l) Junior College.
(m)
(n)
(o)
(p)
(q) **REDACTED**
(r)
(s)
(t)

- 2.(1) (a)
(b)
(c)
(d)



- (2) (a)
- (b)
- (c)
- (d)

REDACTED

REDACTED

3. No.

4. Decedent's father died at the age of 67 of a heart attack. Decedent's mother died in her 70s, also of a heart attack.

5. Plaintiff respectfully objects to this interrogatory as being overbroad, burdensome and oppressive. Without waiving this objection, plaintiff can recall the following:

- (1)
- (2)
- (3)
- (4)
- (5)

REDACTED

6. Decedent graduated from the Merrick Grammar School in New York. He attended and graduated from the W. C. Metham High School majoring in chemistry. He attended Hoffstra College majoring in psychology for three years and studied computer sciences at Pema College for 2 years.

7. No.

8. Decedent was a member of the Army Air Corp from February 1943 through September 1945. His rank was that of Corporal and his service number was 328-00-282. He was stationed variously at Gulfport, Mississippi, Langley Field, VA, and Italy. He was honorably discharged in 1945.

9. During the spring of 1982, plaintiff's attorney offered to provide the names of doctors and hospitals each present and future plaintiff could recall and to have each plaintiff sign authorizations for use by the defense group to obtain decedent's medical records. As of August 19, 1982, Philip Berry, Esquire, who has been responsible for ordering and summarizing medical records on behalf of all members of the defense group, told plaintiff's counsel that the defense group was still considering plaintiff's offer. Thereafter, in December, 1982 and prior to the service of these interrogatories, plaintiff's counsel renewed this offer to Mr. Berry. His response was that the defense group was still considering it. To date, we have not heard back from Mr. Berry. In January, 1983, plaintiff's counsel renewed this offer to Douglas Wah, attorney for defendant Raymark Industries. Mr. Wah expressed interest and promised to get back to us. To date, we have not yet heard back from Mr. Wah. Without access



to decedent's medical records to refresh her memory, plaintiff cannot provide all the detailed medical information sought in these interrogatories. It would be an extraordinary individual indeed who could recall all of the detailed medical information you have requested in these interrogatories. By her previous offer, plaintiff has made decedent's medical records accessible to you. You are respectfully directed to decedent's medical records which, under California Rules of Civil Procedure, ~~are~~ accessible to you. This introductory statement is incorporated by reference into each and every interrogatory in this set seeking medical information. In partial response to this interrogatory, please see the information provided below and the information provided in answers to Interrogatory Nos. 10, 11, and 12, which is the best that plaintiff can do by memory alone at this time.

(1) (a) Martin Meyer, M.D., 630 N. Alvernon Way, Tucson, AZ 85711.

(b) Primary care physician.

(c) Dates unknown at present time, discovery is continuing in this regard.

(2) (a) John Tedford, M.D., 630 N. Alvernon Way, Tucson, AZ 85711.

(b) Opthomologist.

(c) Dates unknown at present time, discovery is continuing in this regard.

(3) (a) Ralph Jackson, M.D., 630 N. Alvernon Way, Tucson, AZ 85711.

(b) Lung cancer.

(c) 1990 to 1991.

(4) (a) Robert Cassady, M.D., 1501 N. Campbell St., Tucson, AZ 85724.

(b) Lung cancer.

(c) 1990 to 1991.

(5) (a) Mark Karychner, M.D., 5402 East Grant Road, Tucson, AZ.

(b) Aneurism repair and bypass surgery.

(c) Dates unknown, discovery is continuing in this regard.

(6) (a) Joseph Smith, M.D., 350 Wilmot Road, Tucson, AZ.

(b) Discovery is continuing in this regard.

(c) Dates unknown, discovery is continuing in this regard.

10. The prefatory remarks in answer to Interrogatory No. 9 are incorporated herein.



(1) (a) University Medical Center, 1501 N. Campbell St., Tucson, AZ 85724.

(b) Radiation Therapy.

(c) 1990 to 1991.

(2) (a) Thomas Davis Clinic, N. Alvernon Way, Tucson, AZ 85711.

(b) Discovery is continuing in this regard.

(c) Dates unknown, discovery is continuing in this regard.

(3) (a) Carondelet-St. Joseph's Hospital, 350 Wilmot Road, Tucson, AZ.

(b) Discovery is continuing in this regard.

(c) Dates unknown, discovery is continuing in this regard.

11. Please see the prefatory remark to Interrogatory No. 9 which is incorporated herein. In addition, please see plaintiff's answers to Interrogatory Nos. 9 and 10.

Plaintiff believes that numerous x-rays would have been taken by each doctor and at each hospital noted above. Please see decedent's medical records for the information that you seek. Discovery is continuing in this regard.

12. Please see introductory remark to Interrogatory No. 9 which is incorporated herein by reference. Please also see answers to Interrogatory Nos. 9, 10, and 11.

Plaintiff does not specifically recall whether the decedent underwent pulmonary function tests and, therefore, kindly refers you to decedent's medical records. Discovery is continuing in this regard.

13. Plaintiff provides the following information based on her best recollection and without having reviewed decedent's medical records: Decedent took numerous medications prior to and during the course of his cancer. Plaintiff kindly refers you to decedent's medical records.

14. Plaintiff has identified medical treatment she recalls decedent receiving in her answers to Interrogatory Nos. 9, 10, 11 and 12. She believes that all medical reports pertaining to this treatment will be subpoenaed by the law firm of Berry and Berry based on plaintiff's answers to interrogatories. If there are any medical reports to which this inquiry is addressed, plaintiff believes that they would be found in those records. As to any reports or records of Dr. Barry R. Horn, his report with respect to decedent's x-rays is attached. Discovery is, of course, continuing in this regard.



15. With respect to subparts (f) and (g), please see introduction to Interrogatory No. 9 and decedent's medical records (including the report of Dr. Barry R. Horn). With respect to subpart (h), plaintiff respectfully objects on the grounds of work product privilege, attorney-client privilege and on the grounds that this question calls for expert opinions and calls for legal and medical conclusions. Without waiving these objections, plaintiff responds to the remainder of the interrogatory as follows:

- (a) Various symptoms associated with lung cancer.
- (b) lung cancer.
- (c) Decedent first began experiencing shortness of breath in approximately December 1989.
- (d) Significant weight loss.
- (e) So far as plaintiff and/or her attorneys understand, lack of oxygen and lung cancer can adversely affect all parts of one's body.
- (f) Please see decedent's medical records.
- (g) Please see plaintiff's answers to Interrogatories Nos. 9, 10, 11 and 12, and decedent's medical records.
- (h) Plaintiff respectfully objects to this Interrogatory as calling for a legal conclusion and as being work product.

16. Decedent underwent a lung biopsy performed by Dr. Joseph Smith in Tucson, Arizona in approximately 1990. He was diagnosed with lung cancer as a result of this biopsy. Although plaintiff is not currently aware as to whether or not decedent was informed that his cancer was asbestos related; based on the type of work that he did and his exposure to asbestos, she believes this to be the case. In addition, pulmonary specialist, Barry R. Horn, M.D., has reviewed chest films of the late Dr. Horn found very extensive interstitial changes seen bilaterally in all lung fields corresponding to an ILO Classification of t/t 2/2 irregular opacities with a suggestion of honey combing.

Additionally, pulmonary pathologist Dr. Samuel R. Hammar, has reviewed transbronchial biopsy specimens pertaining to Dr. Hammar found that the interstitial markings observed in chest x-rays are representative of asbestosis and therefore his lung cancer was causally related to asbestos exposure. The report of Dr. Hammar is attached.

17. No.

18. Yes.

- (a) Yes.
- (b) Pima County Health Department.
- (c)

(d) Surviving spouse.

REDACTED



- (e) Ralph A. Jackson, M.D., 630 N. Alvernon Way, Tucson, AZ.
- (f) Carcinoma of the lung.
- (g) 3:45 p.m., February 11, 1991, St. Joseph's Hospital, Tucson, AZ.

19. No.

20. Yes.

- (a) St. Joseph's Hospital, Tucson, AZ.
- (b) Joseph Smith, M.D.
- (c) With plaintiff's attorney.
- (d) Approximately 1990.

21. Please see answers to Interrogatory Nos. 9-12 and decedent's medical records.

22. Yes.

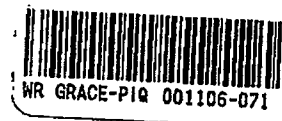
23. (a) 1943 to 1963;
(b) Cigarettes;
(c) Daily;
(d) Approximately 1 to 1-1/2 packs per day;
(e) Raleigh.

24. Plaintiff respectfully objects to this interrogatory as being irrelevant and unlikely to lead to the discovery of relevant evidence, an invasion of plaintiff's privacy, and on the grounds that it assumes a pattern of alcohol consumption over the decedent's lifetime. Without waiving these objections, plaintiff responds as follows: Decedent drank 1-2 drinks on social occasions only, but quit drinking any alcoholic beverages in 1982.

25. Decedent was exposed to asbestos at those employments noted below with an asterisk. Discovery is continuing as to decedent's exposure at all other employments. In addition, discovery is continuing as to other places of employment where decedent may have worked for short periods.

William Goldberg CPA
3445 N Dodge Blvd
Tucson AZ 85716

Job Type: Guard
Date Started: 1985
Date terminated: 1985
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk



Self Employment *

Job Type: Carpenter
Date Started: 1982
Date terminated: 1982
Asbestos Installation: Yes
Asbestos Removal: Yes
Supervisor: Self

Ekern LTD
7931 E Julia Pl --
Tucson AZ 85710

Job Type: Worker
Date Started: 1981
Date terminated: 1981
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Self Employment *

Job Type: Carpenter
Date Started: 1976
Date terminated: 1980
Asbestos Installation: Yes
Asbestos Removal: Yes
Supervisor: Self

Gil Lam Construction *
3820 E Bellvue
Tucson AZ 85716

Job Type: Carpenter
Date Started: 1972
Date terminated: 1975
Asbestos Installation: Yes
Asbestos Removal: Yes
Supervisor: Mr Lamb

Thule Construction
PO Drawser K
Halesite NY 11743



Job Type: Carpenter
 Date Started: 1972
 Date terminated: 1972
 Asbestos Installation: Discovery Continuing
 Asbestos Removal: Discovery Continuing
 Supervisor: Unk

 Braverman Development
 99 Hawthorne Ave
 Valley Stream NY 11580

Job Type: Carpenter
 Date Started: 1972
 Date terminated: 1972
 Asbestos Installation: Discovery Continuing
 Asbestos Removal: Discovery Continuing
 Supervisor: Unk

 Posillico Construction
 31 Tennyson Ave
 Westbury NY 11590

Job Type: Carpenter
 Date Started: 1971
 Date terminated: 1971
 Asbestos Installation: Discovery Continuing
 Asbestos Removal: Discovery Continuing
 Supervisor: Unk

 Self Employment *

Job Type: Carpenter
 Date Started: 1961
 Date terminated: 1971
 Asbestos Installation: Yes
 Asbestos Removal: Yes
 Supervisor: Self

 Jalindow
 174 W Merrick Rd
 Merrick NY 11566

Job Type: Worker
 Date Started: 1957
 Date terminated: 1960



Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Self Employment *

Job Type: Carpenter
Date Started: 1955
Date terminated: 1957
Asbestos Installation: Yes
Asbestos Removal: Yes
Supervisor: Self

Sperry Corp
30 Rockefeller Plz
New York NY

Job Type: Worker
Date Started: 1951
Date terminated: 1955
Asbestos Installation: Discovery Continuing
Asbestos Removal: Discovery Continuing
Supervisor: Unk

Radio & Machine Workers
260 07 Hillside Ave
Floral Park NY 11004

Job Type: Worker
Date Started: 1953
Date terminated: 1955
Asbestos Installation: Discovery Continuing
Asbestos Removal: Discovery Continuing
Supervisor: Unk

Fairchild Industries
PO Box 10803
Chantilly VA 22021

Job Type: Worker
Date Started: 1950
Date terminated: 1951
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk



Cord Biebrock
40 S Main St
Freeport NY 11520

Job Type: Laborer
Date Started: 1948
Date terminated: 1950
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Rollan Hampton
206 Fulton Ave
Hempstead NY

Job Type: Laborer
Date Started: 1948
Date terminated: 1949
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

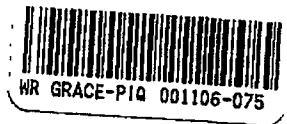
Whipple Motors
209 N Franklin St
Hempstead NY 11550

Job Type: Worker
Date Started: 1948
Date terminated: 1948
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Theodore J Steffek
67 E Seaman Ave
Freeport NY

Job Type: Worker
Date Started: 1948
Date terminated: 1948
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Rosdale Beverage



305 Merrick Rd
Valley Stream NY

Job Type: Worker
Date Started: 1948
Date terminated: 1948
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Viebrock & Bertelsen
40 S Main St
Freeport NY

Job Type: Worker
Date Started: 1946
Date terminated: 1947
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

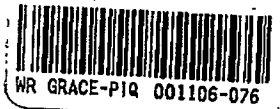
Burner & Fuel
360 Hempstead Ave
Rockville Centre NY 11570

Job Type: Worker
Date Started: 1947
Date terminated: 1947
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

George Ryan
Box 78
Merrick NY

Job Type: Worker
Date Started: 1947
Date terminated: 1947
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

R A C Corp
Farmingdale NY 11735



Job Type: Worker
Date Started: 1942
Date terminated: 1946
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

Crestwood Dairy
PO Box 127
Copiague NY 11726

Job Type: Worker
Date Started: 1946
Date terminated: 1946
Asbestos Installation: No
Asbestos Removal: No
Supervisor: Unk

26. Please see answer to Interrogatory No. 25 for subparts (a), (b), (c), (d), (f) and (h).

With respect to subpart (e), plaintiff and/or her counsel believe that decedent was exposed to most, if not all, types of asbestos-containing materials including but not limited to asbestos fibers, asbestos mud, asbestos cloth, asbestos tape, asbestos tube, asbestos pipe, asbestos pipe covering, asbestos rope, asbestos packings, asbestos rollboard, asbestos cement, asbestos cement boards, asbestos block insulation, asbestos lagging, RWL lagging, asbestos luting, asbestos insulation pads, asbestos paper, asbestos insulating felts, asbestos millboard and/or insulation boards, asbestos gaskets, asbestos pipeline felts, asbestos curtains, asbestos sheets, asbestos bags, and asbestos powder, during his many years of exposure. Discovery is continuing in this regard. As to subpart (i), plaintiff respectfully objects on the grounds that this interrogatory is overbroad, burdensome and oppressive. Without waiving these objections, none other than those already known to you, those whose depositions have been taken, or those whose names have been or are being revealed in discovery or trial in this or other cases. Discovery is, of course, continuing in this regard. In addition, without waiving these objections, plaintiff provides the following information:

Gil Lamb, Deceased
Edgar Houston, Tucson, AZ
Frank Musgrave, Tucson, AZ
William Kraft, Tucson, AZ

As to subpart (g),



Discovery is continuing in this regard.

27. Uncertain at this time, but discovery is continuing in this regard.

28. Plaintiff respectfully objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, burdensome and oppressive. Without waiving this objection, decedent recalled being around or working with asbestos-containing products from the manufacturers listed below at his places of employment. Discovery is, of course, continuing in this regard:

Armstrong

Johns-Manville

29. Investigations are continuing as to more specific descriptions of the containers, boxes, etc., if decedent did in fact see any of the above.

30. Not that plaintiff knows of at present other than those identified in these answers to interrogatories, but discovery is continuing in this regard. In addition, my attorneys and/or I believe that decedent may have been exposed to products manufactured by companies currently in bankruptcy including but not limited to Johns-Manville, Unarco, Forty-Eight Insulations and Amatex at decedent's places of employment listed above.

31. Please see answer to Interrogatory No. 26, subpart (i).

32. No.

33. No.

34. No.

35. Decedent was retired at the time of his death, he last worked in the 1980s.

36. Not applicable.

37. No.

38. Not applicable.

39. Decedent was retired and therefore had no annual earnings for the past 10 years. Plaintiff's annual earnings are as follows:

1982 \$ 8,911



1983	\$ 9,831
1984	\$ 5,000
1985	\$ 7,855
1986	\$ 8,198
1987	\$10,609
1988	\$12,216
1989	\$12,356

40. Decedent's hospital bills have been ordered and will be provided to defendants when received. Discovery and investigation are continuing in this regard.

41. Decedent's medical bills have been ordered and will be provided to defendants when received. Discovery and investigation are continuing in this regard.

42. Plaintiff respectfully objects to this interrogatory on the grounds that it is irrelevant and not calculated to lead to the discovery of relevant evidence. Indeed, the information called for in this interrogatory falls under the collateral source doctrine. Without waiving this objection, the information sought can be found in the billing records of the health care providers whose records you will be acquiring by authorization or subpoena, and pursuant to C.C.P. Section 2030(d), plaintiff respectfully declines to make the compilation sought in this interrogatory and directs you to the original records from which you can make this calculation.

43. Adair Funeral Home, Dodge Chapel, 1050 North Dodge Blvd., Tucson, AZ.

44. No.

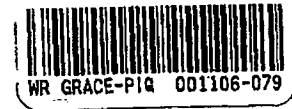
45. Yes.

(a) February 19, 1991

(b) El Encanto Crematory, 1050 North Dodge Blvd, Tucson, AZ.

46. Plaintiff's cost for decedent's cremation totaled \$835.54.

47. Plaintiff respectfully objects to this interrogatory insofar as it requests information concerning health or accident insurance benefits, disability benefits and accident compensation benefits on the grounds that the question is irrelevant, overbroad, constitutes a violation of the collateral source rule, and constitutes an invasion of plaintiff's privacy in violation of Article I, Section I of the California Constitution. Please see Hallendorf vs. Superior Court and related cases. Without waiving this objection, plaintiff will provide the following information to you. In addition, please see plaintiff's answers



to Interrogatory Nos. 9, 10, 11 and 12, and the records which you acquire directly or indirectly therefrom which are incorporated herein.

Discovery is continuing in this regard.

48. Plaintiff respectfully objects to this interrogatory insofar as it requests information concerning health or accident insurance benefits, disability benefits and accident compensation benefits on the grounds that the question is irrelevant, overbroad, constitutes a violation of the collateral source rule, and constitutes an invasion of plaintiff's privacy in violation of Article I, Section I of the California Constitution. Please see Hallendorf vs. Superior Court and related cases. Without waiving this objection, plaintiff will provide the following information to you. In addition, please see plaintiff's answers to Interrogatory Nos. 9, 10, 11 and 12, and the records which you acquire directly or indirectly therefrom which are incorporated herein.

Not applicable.

49. No.

50. No.

51. No settlements have been received to date.

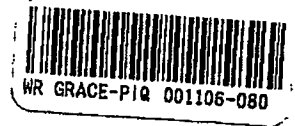
52. Yes.

53. If the social security record has been received, it has been incorporated into the answer to Interrogatory No. 25.

54. Yes.

55. Plaintiff has been employed as follows:

<u>DATES</u>	<u>EMPLOYER</u>	<u>JOB</u>	<u>LOCATION</u>
1960-61	St Mary's Hospital	Nurse Asst.	Tucson, AZ
1962-64	St Joseph's Hosp.	Nurse Asst.	Tucson, AZ
1966-69	Palo Verde Hosp.	Operator	Tucson, AZ
1972-74	St. Joseph's Hosp.	Nurse Asst.	Tucson, AZ
1974-76	Upjohn	Nurse Asst.	San Francisco, CA
1977-79	Host International	Personnel Ast	San Francisco, CA



1979-81 Pima County Sherrif Clerk Tucson, AZ
 3/85-11/85 Pima Counth Health Clerk Tucson, AZ
 1985-87 Self-Employed House Cleaner Tucson, AZ
 4/87 to present City of Tucson Clerk Typist Tucson, AZ

56. Yes.

57. No.

58. No.

59. No.

60. (a)

REDACTED

(b) Entire 12 months.

61. No.

62. No.

63. No.

64. No.

65. No.

66. Yes.

(a) The amount to be awarded by a jury.

(b) Reasonable value of the care, comfort and companionship of a loving husband of 10 years.

67. My husband and I enjoyed just being together. We learned the computer together, we enjoyed watching TV, going to the movies, going to the mountains, having supper with children. We also did part-time work together to make extra money. We went to plays, on rides, visited friends, went to church and church functions. We had many similar interests and had a lot of fun together. We had dinners at our home with family and friends. As the years went by, we had more in common. Claude was my best friend besides being my husband.

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68. All hours but working hours.

69. No.



70. No.

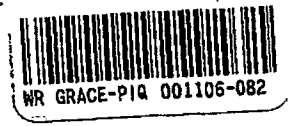
71. Yes.

72. No one other than my attorneys and their employees.

Dated: June 4, 1993.

CARTWRIGHT, SLOBODIN, BOKELMAN, BOROWSKY,
WARTNICK, MOORE & HARRIS, INC.

By: Harry F. Wartnick
HARRY F. WARTNICK



HARRY F. WARTNICK Esq., State Bar No. 54761
STEVEN M. HAROWITZ Esq., State Bar No. 71117
BRENDA D. POSADA Esq., State Bar No. 152480
WARTNICK, CHABER, HAROWITZ, SMITH & TIGERMAN
101 California Street, 26th Floor
San Francisco, California 94111
Telephone 415-986-5566

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

REDACTED

and
individually,

Plaintiffs,

vs.

RAYBESTOS-MANHATTAN INC. et al.,

Defendants.

No. 933909

PLAINTIFF'S FACTUAL STATEMENT IN
COMPLIANCE WITH GENERAL ORDER
NO. 54

Settlement Conf July 26, 1996
Time 2:00PM
Department Nine
Trial Date Sept. 3, 1996

Plaintiff REDACTED hereby submits the following settlement
conference statement.

I. FACTS

Plaintiff filed the instant complaint seeking damages for personal injuries
suffered by her husband, plaintiff's decedent. Additionally, plaintiff
seeks damages for wrongful death. Throughout his career as a carpenter and while in
performance of his job duties suffered exposure to airborne asbestos dust and fibers released
from asbestos containing products being used at his various places of employment. Due to his exposure
to friable airborne asbestos present at jobsites throughout his career he died, on February 11, 1991.

While working for various employers as a carpenter, was exposed to asbestos-
containing products distributed, supplied and/or sold by these defendants.

REDACTED



Working as a subcontractor for Farmer's Home Administration at various housing units throughout Eloy, Casa Grande and Tucson Arizona, functioned in the capacity of electrician and insulator and was also engaged in the tearing down of houses. Employed by Gil Lamb Construction Company from 1972-1975 and at sites located throughout Arizona, performed repair and maintenance work, which included the wrapping of asbestos insulation and lagging around water heater vents and placement of asbestos fire brick around furnace pipes. He also supervised other subcontractors' activities. removed partitions, repaired wall damage by applying asbestos joint compounds to cracks, applied ceiling texture products and installed asbestos floor tile with asbestos containing adhesives. He was further exposed to asbestos products which were being used by others working around him. In the course of his duties as a home maintenance worker utilized asbestos tape, asbestos ceiling texture products, asbestos mud and asbestos joint compounds. Upon completion of a particular job was responsible for the cleaning up of all detritus produced in the course of that job.

Further details relating to employment are set forth in his answers to General Order No. 29 Interrogatories and in deposition testimony of February 2, 1996.

II. INJURIES AND DAMAGES

In May 1990, Doctor Emmerson performed a bronchoscopy on A cytopathology report by Doctor Monteforte noted abnormal cells were suspicious for adenocarcinoma. On the same day a diagnosis was made of adenocarcinoma. In May 1990, Dr Ralph Jackson examined and determined adenocarcinoma of the lung with hilar and retinal metastases. Although underwent radiation therapy and chemotherapy, the procedure was unsuccessful in arresting the progression of the disease, which had now metastasized to the eye.

Dr Barry Horn examined in June 1991 and chest radiographs taken in January 1991 had an ILO classification of t/t 2/2 with irregular opacities in lower two-thirds of the lung fields bilaterally.



On February 11, 1991, as admitted for terminal care at Saint Joseph's Hospital and suffering severe pain, coughing, dyspneic and congested as a result of his terminal carcinoma of the lung condition with anemia. He was given injected methadone and frequent morphine shots and his pain was relieved. passed away the same day in the presence of family.

smoked approximately 2 packs per day for twenty years, quitting in 1963.

Medical expenses exceed \$75,000.

suffered loss of consortium in an amount according to proof.

Total funeral and related expenses were \$840.

An economic loss statement is pending and will be made available to defendants upon receipt.

III. LIABILITY

Defendants are the manufacturers and/or distributors of the asbestos-containing products plaintiff encountered at his work sites.

Defendant AMERICAN ASBESTOS manufactured, distributed and/or sold asbestos-containing insulation products to job sites.

was exposed to asbestos-containing products manufactured and/or distributed by ANCHOR PACKING, including but not limited to cloth gaskets, gasket materials and packing, sheet and woven asbestos yarn while working at the Standard Oil refinery for various employers on various occasions between 1955 to 1982.

CONSOLIDATED INSULATION COMPANY and DOUGLASS INSULATION COMPANY installed and/or supplied asbestos-containing products, including but not limited to cement, block and pipe covering to construction sites where plaintiff worked.

was exposed to asbestos-containing sheet, gaskets and packing materials manufactured, distributed and/or sold by GARLOCK, INC. while employed as described above.

was exposed to the asbestos-containing joint compound, wall texture ceiling texture and taping compound (Gold Bond brand name and other fill-in products) manufactured, distributed

REDACTED

REDACTED



and/or sold by HAMILTON MATERIALS while working at various sites throughout the course of his career as a carpenter, including new construction.

Defendant RICH-TEX sold and/or distributed asbestos-containing taping compound, spray texture and ceiling acoustical spray to job sites. worked in the vicinity of persons working with said products.

Plaintiff was exposed to asbestos-containing pipe covering, block insulation and cement (Kaylo brand and other fill-in products) manufactured, distributed and/or sold by OWENS-CORNING FIBERGLAS. Owens-Corning Fiberglas Corp., through its contracting division, FENCO, supplied asbestos-containing KAYLO brand pipe covering and block insulation to the while employed as described above.

was also exposed to the asbestos-containing insulation and refractory materials manufactured and/or distributed by PLANT INSULATION, including but not limited to Pabco brand products, "Precision Molded" insulation, high temperature insulation products, insulation blocks and cement as well as various asbestos-containing cloth compounds, coatings and refractory materials which were present at sites where he worked.

was exposed to the full line of asbestos-containing insulation, construction and refractory materials manufactured and/or distributed by QUINTEC, including but not limited to preformed pipe covering, cloth cements, gasketing and packing materials, in their capacity as a successor to Western Fiberglass and/or Western Fibrous Glass and as a distributor of OWENS-CORNING FIBERGLAS KAYLO and other asbestos-containing products.

was exposed to asbestos-containing products manufactured by Philip Carey Manufacturing Corporation and manufactured, mined and/or distributed by the RAPID AMERICAN CORPORATION group of companies in their capacity as a successor-in-interest to the Philip Carey, Philip Carey Manufacturing, Panacon and Carey Canada Corporations), including but not limited to



CAREYTEMP insulation, CAREY cements and other CAREY insulating products which were used and installed at his various jobsites.

was exposed to Limpet, a form of spray-on asbestos coating and asbestos containing decking and flooring manufactured and/or distributed by SELBY, BATTERSBY & COMPANY and used extensively on ships on which he worked. Plaintiff is unable to more fully describe these products as Defendant SELBY, BATTERSBY & COMPANY has failed to provide descriptions of their products or the locations where their products were used in answers to Interrogatories as required by the court in General Order 29. Plaintiff intends to move at trial to strike the answer of this defendant.

worked aboard ships insulated with asbestos-containing products at the Triple A Shipyard, owned and operated by TRIPLE A MACHINE SHOP, INC.

was also exposed to asbestos-containing thermal insulation material, pipe covering insulation, block and cement, coatings, construction materials, rope, board, gaskets, packing material as well as to raw asbestos, and other products manufactured and/or distributed by one or more of the defendants represented by the CENTER FOR CLAIMS RESOLUTION, at construction sites. Among the products to which he was exposed are: ARMSTRONG asbestos-containing floor tiles, thermal insulation and cements; asbestos-containing thermal insulation material, pipe covering, block, cement board, plaster, fireproofing plaster, exterior finish stucco, joint compound, taping compound, texture paint, acoustical plaster and spray, acoustical ceiling tiles, drywall surfacer, siding, shingles, sheetrock, cement siding and wallboard sold and distributed by U.S. GYPSUM; GAF asbestos-containing building materials; sheetrock products, thermal insulation and cements; FLEXITALLIC asbestos gaskets; ASBESTOS CLAIM MANAGEMENT (formerly National Gypsum)'s asbestos-insulating cement, asbestos joint compound, Gold Bond wool board, Gold Bond adhesive, asbestos tape, asbestos paper and asbestos paint; sprayed Limpet asbestos, raw asbestos fiber, raw crocidolite fiber distributed, supplied and/or sold by T & N; asbestos-containing products manufactured, supplied, and/or sold by QUIGLEY COMPANY; asbestos-containing refractory products manufactured, sold, and/or supplied by A.P. GREEN INDUSTRIES INC. AND A.P. GREEN REFRACTORIES

REDACTED



including insulating cement, insulation adhesive, insulation coating, asbestos firebrick and asbestos castables.

UNITED STATES MINERAL PRODUCTS COMPANY provided spray-on "limpet" and/or fireproofing sprayed at various places of employment.

Defendant SURADUR MANUFACTURING CORPORATION manufactured and marketed siding and roofing products which contained chrysotile asbestos which was distributed to various jobsites where performed work. purchased defendant's products, as well in order to perform repairs on various housing units.

was further exposed to the full array of asbestos-containing insulation, construction and refractory materials manufactured and/or distributed by WESTERN MACARTHUR COMPANY including but not limited to pre-formed pipe covering, cloth, cements, gasketing and packing materials while working at the various sites noted above.

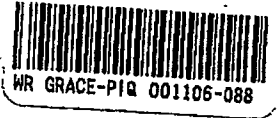
IV. SETTLEMENTS AND DEMANDS

Settlements negotiated in this case are as follows: \$22,500

Demands to the remaining defendants are as follows:

American Asbestos	\$25,000
Anchor Packing	\$25,000
C R B Ins	\$75,000
Center for Claims Resolution	\$175,000
Consolidated Insulation	\$25,000
Douglass Insulatio	\$25,000
Garlock Packin	\$35,000
Hamilton Materials	\$75,000
Owens-Corning Fiberglas	\$125,000
Plant Insulation	\$75,000
Quintec Industries	\$125,000
Rapid-American	\$125,000
Rich-Tex	\$125,000
Selby, Battersby & Company	\$65,000
Supradur	\$95,000
Triple A	\$45,000
U.S. Mineral Products	\$175,000
Western MacArthur	\$950,000

All other defendants are engaged in group settlement negotiations with plaintiff and therefore no demands as to them are stated.



DATED: December 27, 2005

WARTNICK, CHABER, HAROWITZ,
SMITH & TIGERMAN

By HARRY F. WARTNICK
Attorneys for Plaintiff



DECLARATION OF SERVICE BY MAIL
(CCP §§ 1013(a), 2015.5)

I, the undersigned, under penalty of perjury, declare and say:

That I am, and was at the times of the service hereinafter mentioned, over the age of 18 years, a citizen of the United States, and not a party to the within entitled cause of action. My business address is 101 California Street, 26th Floor, San Francisco, CA 94111, and I am employed in the City and County of San Francisco, State of California.

On the date last written herein I served

PLAINTIFF'S FACTUAL STATEMENT PURSUANT TO GENERAL ORDER 54

by placing for collection and deposit in the United States mail a copy of said document at 101 California Street, 26th Floor, in San Francisco, California, in a sealed envelope, with postage fully prepaid, addressed to:

SEE ATTACHED

I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Service of the above-described document would have been deposited with the United States Postal Service on the same day as the date last written herein, the same day on which said document was placed at WARTNICK, CHABER, HAROWITZ, SMITH & TIGERMAN for deposit in the United States Postal Service.

Executed on December 27, 2005 at San Francisco, California.



SERVICE LIST -

REDACTED

- 1 BERRY & BERRY, Designated Defense Counsel, P.O. Box 70250, Oakland, CA 94612-0260
- 2 ARCHER, MCCOMAS, BRESLIN, MCMAHON & CHRITTON, 2033 North Main Street, #800 P.O. Box 8035, Walnut Creek, CA 94596
Phone: (510) 930-6600 Fax: (510) 930-6620
Waldron Duffy
- 5 GLASPY & GLASPY, 100 Pringle Dr., #750, Walnut Creek, CA 94596
Phone: (510) 947-1300 Fax: (510) 947-1594
Anchor Packing Company
Garlock, Inc.
- 6 GORDON & REES, 275 Battery St., 20th Fl., San Francisco, CA 94111
Phone: (415) 986-5900 Fax: (415) 986-8054
Rapid American Corporation
W. R. Grace & Company
- 8 HASSARD BONNINGTON, Two Embarcadero Ctr., #1800, San Francisco, CA 94111
Phone: (415) 288-9800 Fax: (415) 288-9801
Pittsburgh-Corning Corp.
- 10 JACKSON & WALLACE, 580 California St., 15th Fl., San Francisco, CA 94104
Phone: (415) 982-6300 Fax: (415) 982-6700
Arizona Sash & Door Company
Plant Insulation Company
- 15 SCADDEN, HAMILTON & RYAN, 580 California St., #1400, San Francisco, CA 94104
Phone: (415) 362-5116 Fax: (415) 362-4214
Foster Wheeler Boiler Corporation, Foster Wheeler Energy Corporation, Foster Wheeler USA Corporation
Riley Stoker Corporation
- 16 ST.PETER & COOPER, 3 Embarcadero Center, #2900, San Francisco, CA 94111
Phone: (415) 955-0700 Fax: (415) 955-0711
ACANDS, INC.
- 17 VOGL & MEREDITH, 456 Montgomery St., 20th Fl., San Francisco, CA 94104
Phone: (415) 398-0200 Fax: (415) 398-2820
American Asbestos Company
- 18 WALSWORTH, FRANKLIN, BEVINS & MCCALL, 580 California St., #1335, San Francisco, CA 94104
Phone: (415) 781-7072 Fax: (415) 391-6258
Hamilton Materials, Inc.
Quintec Industries, Inc.
Selby, Battersby & Company
- 21 MULLALLY & CEDERBORG, INC., 1405 Central Building 436 - 14th Street, Oakland, CA 94612
Phone: (510) 444-0992 Fax: (510) 763-6978
Kentile Floors, Inc.



22 IMAI, TADLOCK & KEENEY, 180 Montgomery St., #1000, San Francisco, CA 94104
Phone: (415) 989-8687 Fax: (415) 989-7640
Rich-Tex, Inc.

49 SEDGWICK, DETERT, MORAN & ARNOLD, One Embarcadero Ctr., 16th Fl., San Francisco, CA 94111
Phone: (415) 781-7900 Fax: (415) 781-2635
Consolidated Insulation, Inc.

101 OPTON, HANDLER, GOTTLIEB, FEILER, LANDAU & HIRSCH, 52 Vanderbilt Avenue, New York, NY 10017
Supradur Manufacturing Corporation

146 DANAHER, TEDFORD, LAGNESE & NEAL, P.C., Capitol Place 21 Oak Street, #700, Hartford, CT 06106
Phone: (203) 247-3666 Fax: (203) 547-1321
Pittsburgh-Corning Corp.

158 LOW, BALL & LYNCH, 601 California St., 21st Fl., San Francisco, CA 94108
Phone: (415) 981-6630 Fax: (415) 982-1634
Douglass Insulation Co., Inc.

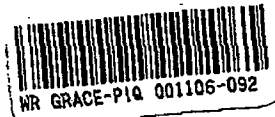
189 PRINDLE, DECKER & AMARO, 369 Pine St., #800, San Francisco, CA 94104
Phone: (415) 788-8354 Fax: (415) 788-3625
M. H. Detrick Company
Triple A Machine Shop, Inc.

216 TILLY & GRAVES, 500 Sansome Street, #800, San Francisco, CA 94111
Phone: (415) 955-8925 Fax: (415) 955-8933
Owens-Corning Fiberglas Corporation

223 HAIGHT, BROWN & BONESTEEL, 201 Sansome St., 3rd Fl., San Francisco, CA 94104
Phone: (415) 986-7700 Fax: (415) 986-6945
Armstrong World Ind
Asbestos Claims Management Corporation, formerly known as National Gypsum Company
Flexitallic, Inc.
GAF Corporation
Quigley Company, Inc.
T&N, plc, sued herein as Turner & Newall, PLC
United States Gypsum Co.

233 SCHAFFER & LAX, 5757 Wilshire Blvd., #600, Los Angeles, CA 90036
Phone: (213) 934-4300 Fax: (213) 931-5680
U. S. Mineral Products Company

C.R.B. Insulation



SSA-1826 ITEMIZED STATEMENT OF EARNINGS
 VERSION 1984.002 * * * FOR SSN *
 REDACTED

FROM: SOCIAL SECURITY ADMINISTRATION
 OFFICE OF CENTRAL RECORDS OPERATIONS
 BALTIMORE, MARYLAND 21235-0000

NUMBER HOLDER NAME:

REDACTED

PERIODS REQUESTED JANUARY 1940 THRU DECEMBER 1997

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL

EMPLOYER NUMBER: 11-1235255
 R A C CORPORATION
 FARMINGDALE, NY 11735

1942			425.78	794.41 \$	1,220.19
1943	362.61			\$	362.61
1944		13.77		\$	13.77
1945				310.73 \$	310.73
1946	162.81			\$	162.81

EMPLOYER NUMBER: 11-0811072
 CRESTWOOD DAIRY INC
 P O BOX 127
 COPIAGUE, NY 11726

1946	28.40			\$	28.40
------	-------	--	--	----	-------

EMPLOYER NUMBER: 11-1525815
 A. VIERER, CORD
 40 S. MAIN ST
 FREEPORT, NJ 00000

1946	67.20	95.50	92.82	4.50 \$	260.02
1947		323.81		\$	323.81

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SSA-1826 ITEMIZED STATEMENT OF EARNINGS
VERSION 1984.002 * * * FOR SSN

REDACTED

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL

EMPLOYER NUMBER: 11-0662560
D E BURNER & FUEL CORP
% ANDERSON 360 HEMPSTEAD AVE
ROCKVILLE CENTRE, NY 11570

1947 215.14 530.18 \$ 745.32

EMPLOYER NUMBER: 11-1567087
GEORGE J RYAN
BOX 78
NASSAU N.Y.

1947 8.68 \$ 8.68

EMPLOYER NUMBER: 11-1566139
WHIPPLE MOTORS INC.
209 N FRANKLIN ST
HEMPSTEAD, NY 11550

1948 97.50 \$ 97.50

EMPLOYER NUMBER: 11-1366780
THEO J STEFFEK
49 NORTH MAIN ST
FREEPORT, NY 11520

1948 187.50 \$ 187.50

EMPLOYER NUMBER: 11-1510217
ROSDALE BEVERAGE CO
305 MERRICK RD
VALLEY STREAM, NY 00000

1948 46.63 \$ 46.63

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SSA-1826 ITEMIZED STATEMENT OF EARNINGS
VERSION 1984.002 * * * FOR SSN

REDACTED

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL

EMPLOYER NUMBER: 11-1441166
CORD VIEBROCK
TA VIEBROCKS
40 SOUTH MAIN ST
FREEPORT, NY 11520

1948			81.25	\$	81.25
1949		137.00	761.91	392.26 \$	1,291.17
1950	292.44	254.66	263.14	96.99 \$	907.23

EMPLOYER NUMBER: 11-1589192
ROLLAND HAMPTON
206 FULTON AVE
HAMPSTEAD N.Y.

1948			404.13	407.00 \$	811.13
1949	448.75	513.28		\$	962.03

EMPLOYER NUMBER: 52-0579835
FAIRCHILD INDUSTRIES INC
PO BOX 10803
CHANTILLY, VA 22021

1950	489.44	714.42	702.92	657.84 \$	2,564.62
1951	588.96			\$	588.96

EMPLOYER NUMBER: 13-1332740
THE SPERRY CORP
30 ROCKEFELLER PLAZA
NEW YORK, NY 00000

1951	179.92	1,065.63	1,028.08	1,146.53 \$	3,420.16
1952	1,435.08	1,467.24	697.68	\$	3,600.00
1953	1,630.28	929.97	1,039.75	\$	3,600.00
1954	804.42	911.93	1,057.51	826.14 \$	3,600.00
1955	818.81	304.32		\$	1,123.13

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SSA-1826
VERSION 1984.002 * * * ITEMIZED STATEMENT OF EARNINGS
FOR SSN

REDACTED

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL

EMPLOYER NUMBER: 11-0763781
INTL UNION OF ELECTRONIC ELECTRICAL
SALARIED MACH&FURN WORKERS AFLCIO
450 IUE
260 07 HILLSIDE AVE
FLORAL PARK, NY 11004

1953				144.02	\$	144.02
1954	167.13				\$	167.13
1955	113.11				\$	113.11

EMPLOYER NUMBER: 11-1845286
JALINDOW INC
174 W MERRICK RD
MERRICK, NY 11566

1957				550.00	\$	550.00
1958	1,300.00	1,300.00	1,545.00	55.00	\$	4,200.00
1959	1,625.00	1,625.00	1,550.00		\$	4,800.00
1960	1,125.00		2,300.00	1,015.00	\$	4,440.00

EMPLOYER NUMBER: 11-1563381
POSILICO CONSTR CO INC
31 TENNYSON AVE
WESTBURY, NY 11590

1971				2,060.35	\$	2,060.35
------	--	--	--	----------	----	----------

EMPLOYER NUMBER: 11-1879176
THULE CONSTR CO INC
50 N NEW YORK AVE
HALESITE, NY 11743

1972		1,187.20			\$	1,187.20
------	--	----------	--	--	----	----------

EMPLOYER NUMBER: 11-2225332
BRAVERMAN DEVELOPMENT CORP
99 HAWTHORNE AVE
VALLEY STREAM, NY 11580

1972		176.40			\$	176.40
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SSA-1826
VERSION 1984.002 * * * ITEMIZED STATEMENT OF EARNINGS
FOR SSN

REDACTED

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL

EMPLOYER NUMBER: 86-0182033
GIL LAMB CONSTRUCTION CO
3820 E BELLVUE
TUCSON, AZ 85716

1972			636.00	2,899.00	\$	3,535.00
1973	3,068.00	3,376.75	364.00	2,911.25	\$	9,720.00
1974	3,232.00	3,697.50	3,958.50	2,312.00	\$	13,200.00
1975	1,609.51	398.75			\$	2,008.26

EMPLOYER NUMBER: 94-2705369
EKERN LTD
7931 E JULIA PL
TUCSON, AZ 85710

1981	-	-	-	-	\$	757.97
------	---	---	---	---	----	--------

EMPLOYER NUMBER: 86-0410866
FRATERNAL ORDER OF POLICE
TUCSON METROPOLITAN F O P INC.
% WILLIAM A GOLDBERG CPA LTD
3445 N DODGE BLVD
TUCSON, AZ 85716

1985	-	-	-	-	\$	3,000.00
------	---	---	---	---	----	----------

SELF EMPLOYMENT:

1955	-	-	-	-	\$	2,679.18
1956	-	-	-	-	\$	2,655.19
1957	-	-	-	-	\$	1,810.30
1961	-	-	-	-	\$	3,725.28
1962	-	-	-	-	\$	2,988.47
1963	-	-	-	-	\$	4,433.74
1964	-	-	-	-	\$	4,614.12
1965	-	-	-	-	\$	3,653.53
1966	-	-	-	-	\$	3,548.34
1967	-	-	-	-	\$	3,560.54
1968	-	-	-	-	\$	4,559.00



SSA-1826 ITEMIZED STATEMENT OF EARNINGS
 VERSION 1984.002 * * * FOR SSN

REDACTED

YEAR	JAN - MARCH	APRIL - JUNE	JULY - SEPT	OCT - DEC	TOTAL
1969	-	-	-	\$	4,962.00
1970	-	-	-	\$	4,896.00
1971	-	-	-	\$	3,772.00
1976	-	-	-	\$	648.00
1977	-	-	-	\$	9,144.00
1978	-	-	-	\$	14,404.00
1979	-	-	-	\$	3,882.00
1980	-	-	-	\$	4,283.00
1982	-	-	-	\$	2,423.00
1990	-	-	-	\$	2,484.00

THERE ARE NO OTHER EARNINGS RECORDED UNDER THIS SOCIAL SECURITY NUMBER FOR THE PERIOD REQUESTED.

PAGE 006 END

WR GRACE-PIQ 001106-098

DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS
CERTIFICATE OF DEATH

DEATH NO. 91-001810
D 102-

STATE COPY

NAME OF DECEASED		A. FIRST	B. MIDDLE	C. LAST	SEX	DATE OF DEATH	MONTH	DAY	YEAR
					2. MALE	3. FEBRUARY 11, 1991			
RACE (e.g., white, black, American Indian, specify blood mix)					IF YES, INDICATE MEXICAN, SPANISH, PUERTO RICAN, CUBAN, ETC.		WAS DECEASED EVER IN U.S. ARMED FORCES? (SPECIFY YES OR NO)		
4A. White					C. HOSPITAL OR INSTITUTION		5. Yes		
A. COUNTY					(IF RESIDENCE, GIVE STREET ADDRESS)				
Pima					St. Joseph's Hospital				
PLACE OF DEATH					SURVIVING SPOUSE (IF WIFE, GIVE MARRIED NAME)				
DATE OF BIRTH					MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY)				
6. 1966					Married				
CITIZEN OF WHAT COUNTRY?					SOCIAL SECURITY NO.				
USA					14. Contractor				
STATE AND CITY OF BIRTH (if not in USA, name country)					KIND OF BUSINESS OR INDUSTRY				
11. Brooklyn, NY					Res./ Comm Const.				
USUAL RESIDENCE					HIGHEST GRADE COMPLETED				
A. STATE					16. 19 Years				
B. COUNTY					17. ELEMENTARY-SECONDARY (0-12)				
C. TOWN OR CITY					COLLEGE (1-4 or 5+)				
D. ZIP CODE					3				
INSIDE CITY LIMITS? (SPECIFY YES OR NO)					PREVIOUS STATE OF RESIDENCE				
18. YES					New York				
ON RESERVATION (SPECIFY YES OR NO)					MOTHER'S MARRIED NAME				
19. NO					A. FIRST				
B. MIDDLE					C. LAST				
FATHER'S NAME					CITY AND STATE				
A. FIRST					ZIP CODE				

REDACFIELD

21. BURIAL, INTERMENT, REMOVAL, OTHER (Specify) Cremation		DATE 2/19/91		CEMETERY OR CREMATORY - NAME/LOCATION El Encanto Crematory, Tucson, AZ		EXAMINER'S SIGNATURE NO EMBALMING		CERT. NO. 304	
FURNERAL HOME Adair Funeral Home 1050 N Dodge Blvd, Tucson, Arizona		NAME Adair		STREET ADDRESS 1050 N Dodge Blvd, Tucson, Arizona		FURNERAL DIRECTOR OR PERSON Acting as such (SIGNATURE) [Signature]		CERT. NO. 304	
TO BE COMPLETED BY CERTIFICATE PHYSICIAN ONLY 30. SIGNATURE AND TITLE [Signature] DATE SIGNED (Mo., Day, Year) 2-13-91		TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSE(S) STATED. [Signature]		HOUR OF DEATH 3:45 PM		ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION IN MY OPINION DEATH OCCURRED AT THE TIME, DATE AND PLACE DUE TO THE CAUSE(S) AND MANNER STATED. 32. SIGNATURE AND TITLE [Signature] DATE SIGNED (Mo., Day, Year) 2-13-91		HOUR OF DEATH 3:45 PM	
31. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) [Signature]		33. NAME AND ADDRESS OF CERTIFIER, PHYSICIAN, MEDICAL EXAMINER OR TRIBAL OR CHIEF OF TRIBAL COUNCIL Dr. A. Jackson M.D., 630 N. Alvernon Way		AUTHORIZED FOR CREMATION (SPECIFY) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		MEDICAL EXAMINER'S SIGNATURE [Signature]		DATE REC'D. IN STATE OFFICE MAR 28 1991	
47. SEQUENTIALLY LIST CONDITIONS, IF ANY, LEADING TO IMMEDIATE CAUSE OF DEATH 1. Carcinoma of Lung		48. IMMEDIATE CAUSE (FINAL DISEASE OR CONDITION RESULTING IN DEATH) (ENTER ONLY ONE CAUSE OR EACH LINE) 1. Carcinoma of Lung		49. AUTOPSY (Specify Yes or No) No		50. WAS CASE REFERRED TO MEDICAL EXAMINER (Specify Yes or No) Yes - Cremation		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH 1 yr	
44. DATE REGISTERED Feb. 19, 1991		45. REG. FILE NO. 42-575		46. REGISTRAR'S SIGNATURE [Signature]		47. DEPUTY REGISTRAR'S SIGNATURE [Signature]		48. DATE REC'D. IN STATE OFFICE MAR 28 1991	
49. MANNER OF DEATH <input type="checkbox"/> NATURAL <input type="checkbox"/> HOMICIDE <input type="checkbox"/> ACCIDENT <input type="checkbox"/> PENDING INVESTIGATION <input type="checkbox"/> SUICIDE <input type="checkbox"/> UNDETERMINED		51. DATE OF INJURY 2-13-91		52. PLACE OF INJURY (At home, farm, street, factory, office building, etc.) 1012		53. WHERE LOCATED? 1012		54. STREET ADDRESS 1012	
55. SUPPLEMENTARY ENTRIES 56		57. MANNER OF INJURY 58		59. PLACE OF INJURY (At home, farm, street, factory, office building, etc.) 1012		60. WHERE LOCATED? 1012		61. STREET ADDRESS 1012	

~~SEP 14 1992~~

DATE ISSUED

This is a true and exact reproduction of the document officially registered and placed on file in the OFFICE OF VITAL RECORDS, DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA issued under the authority of A.R.S. 36-341, and by direction of:

ALETHEA O. CALDWELL, Director
Department of Health Services
State Registrar

RENÉE GAUDINO
Assistant State Registrar

This copy not valid unless prepared on engraved form displaying state seal and impressed with raised seal of Issuing agency.



HARRY F. WARTNICK, ESQ.
 CARTWRIGHT, SLOBODIN, BOKELMAN
 BOROWSKY, WARTNICK, MOORE, & HARRIS, INC.
 101 CALIFORNIA ST., SUITE 2600
 SAN FRANCISCO, CA 94111
 (415) 433-0440

ENDORSED
 FILED
 San Francisco County Superior Court

JUL 1 - 1991

DONALD W. DICKINSON, Clerk
 BY: PETE LOBO, JR.
 Deputy Clerk

ATTORNEYS FOR PLAINTIFFS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

, individually,

Plaintiffs

vs.

No.

933909

COMPLAINT FOR
 DAMAGES

(Wrongful Death)
 (Loss of Consor-
 tium)

RAYBESTOS-MANHATTAN, INC.; OWENS-ILLINOIS
 CORPORATION; OWENS-CORNING FIBERGLAS
 CORPORATION; THE CELOTEX CORPORATION;
 UNARCO INDUSTRIES, INC.; ARMSTRONG CORK
 COMPANY; NICOLET INDUSTRIES, INC.; AMATEX
 CORPORATION; H.K. PORTER COMPANY, INC.;
 A C & S, INC.; AMERICAN ASBESTOS TEXTILE
 CORPORATION; ESSESTONE CORPORATION; ATLAS
 ASBESTOS COMPANY; BALDWIN-EHRET HILL, INC.;
 CLAREMONT COMPANY, INC.; COMBUSTION
 ENGINEERING, INC.; CROWN CORK AND SEAL;
 EAGLE PICHER INDUSTRIES; EMPIRE-ACE
 INSULATION MANUFACTURING CORPORATION;
 FIBREBOARD CORPORATION; THE FLINTKOTE
 COMPANY; FOURTY-EIGHT INSULATIONS INC.;
 GAF CORPORATION; GARLOCK, INC.; HURON
 CEMENT DIVISION OF NATIONAL GYPSUM
 CORPORATION; J. P. STEVENS, & CO., INC.;
 KAISER CEMENT CORPORATION; KEASPY AND
 MATTISON COMPANY; KEENE BILLING PRODUCTS
 CORPORATION; KEENE CORPORATION; MUNDET
 CORK, INC.; NATIONAL GYPSUM CORPORATION;
 PARCO, INC.; PHILIP CAREY MANUFACTURING
 COMPANY; PITTSBURG CORNING CORPORATION;
 PITTSBURG PLATE GLASS INDUSTRIES, INC.;
 RUBEROID COMPANY; SEPSCO CORPORATION; SMITH
 ASBESTOS PRODUCTS, INC.; SOUTHERN ASBESTOS
 COMPANY; STANDARD ASBESTOS MANUFACTURING

REDACTED

LAW OFFICES OF
 CARTWRIGHT, SLOBODIN, BOKELMAN, BOROWSKY,
 WARTNICK, MOORE & HARRIS, INC.
 101 CALIFORNIA STREET - 26TH FLOOR - 433-0440
 SAN FRANCISCO 94111



1 AND INSULATION COMPANY; PLANT INSULATION)
 2 COMPANY; UNITED STATES GYPSUM COMPANY; and)
 3 FIRST DOE through THREE HUNDREDTH DOE,)
 inclusive,)
 4 Defendants.)

5
 6 FIRST CAUSE OF ACTION-NEGLIGENCE

7 (Wrongful Death)

8 PLAINTIFFS COMPLAIN OF DEFENDANTS, AND EACH OF THEM, AND
 9 FOR A CAUSE OF ACTION FOR NEGLIGENCE (WRONGFUL DEATH)
 10 ALLEGES:

11 1. The true names and capacities, whether individual,
 12 corporate, associate, governmental or otherwise, of
 13 defendants FIRST DOE through THREE HUNDREDTH DOE, inclusive,
 14 are unknown to plaintiffs at this time, who therefore sue
 15 said defendants by such fictitious names. When the true
 16 names and capacities of said defendants have been
 17 ascertained, plaintiffs will amend this Complaint
 18 accordingly. Plaintiffs are informed and believe and thereon
 19 allege that each defendant designated herein as a DOE is
 20 responsible, negligently or in some other actionable manner,
 21 for the events and happenings hereinafter referred to, and
 22 caused injuries and damages proximately thereby to the
 23 plaintiff, as hereinafter alleged.

24 2. At all times herein mentioned, each of the defendants
 25 was the agent, servant, employee and/or joint venturer of his
 26 co-defendants, and each of them, and at all said times, each

LAW OFFICES OF
 CARTWRIGHT, SLOBODIN, BOKELMAN, BOROWSKY,
 WARTNICK, MOORE & HARRIS, INC.
 101 CALIFORNIA STREET - 26TH FLOOR - 433-0440
 SAN FRANCISCO, CA 94111



General Objections To W.R. Grace Questionnaire

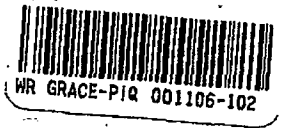
Claimant herein, through The Wartnick Law Firm, his counsel of record, respectfully states that the questions and requests posed by the Debtor are being asked of the Claimant in place of interrogatories and document requests which otherwise could have been issued in the instant bankruptcy proceeding. Accordingly, all of the obligations and rights within the Federal Rules of Civil Procedure applicable to federal discovery (e.g., Federal Rules of Civil Procedure 26, 33, 34) apply to the Questionnaire requests submitted to the Claimant by the Debtor. ~~As~~ such, the Claimant herein is under no obligation to produce any information that is unduly costly or burdensome, nor is the Claimant required to obtain documents not already in the possession of the Claimant or his agents.

The Claimant specifically objects to this Questionnaire on the basis that it is violative of Federal Rule of Civil Procedure 26(b)(2), Federal Rule of Civil Procedure 33(b)(1) and (b)(4), and Federal Rule of Civil Procedure 34(a) and (b), in that:

- (i) The Questionnaire, as a discovery request, is unreasonably cumulative and duplicative of information and documentation which is already in the possession of the Debtor and/or its local legal counsel, and/or The Law Firm of Berry & Berry, which is the Designated Defense Counsel for the San Francisco and Alameda County Complex Asbestos Litigation. Obtaining the information and documents sought by the Questionnaire from these sources would be more convenient, less burdensome and less expensive for the Claimant and The Wartnick Law Firm.
- (ii) The Debtor has had ample opportunity by discovery in the Claimant's underlying action to obtain the information sought. The Debtor, through its local legal counsel, has previously been served with discovery responses and medical records providing the information sought herein.
- (iii) The burden and expense to the Claimant and to The Wartnick Law Firm of responding to each and every question and sub-question of this Questionnaire outweighs its likely benefit, given the likely liquidation value of the Claimant's asbestos-related claim, the respective financial resources of the Debtor and the Claimant, any issues arguably related to the information sought by the Questionnaire and the alleged importance of responses to the Questionnaire in resolving any issues in this bankruptcy proceeding.

The Claimant objects to the Questionnaire in its entirety as being overbroad and unduly burdensome. It would require literally days of work to complete every question in a single Claimant Questionnaire. The Wartnick Law Firm must complete and return 235 Questionnaires within the time allotted, which is an impossible burden. That this Questionnaire is unduly burdensome is reflected by the detailed nature and scope of its questions. To the best knowledge of Claimant and his/her counsel, the detailed nature and scope of these questions far exceed the scope of any discovery permitted in any asbestos-related bankruptcy proceeding to date.

The Debtor is obviously far more knowledgeable than the Claimant as to the locations where the Debtor's asbestos-containing products were sold, installed, used, manipulated, repaired and removed. The Debtor is obviously far more knowledgeable than the Claimant as to which of its specific asbestos-containing products were so used at each such location. In these responses, the Claimant incorporates by reference as though set forth in full herein the Debtor's Responses To Plaintiff's Standard Interrogatories Pursuant to General Order No. 129 (San Francisco County



Superior Court), the Debtor's Responses to Plaintiff's Standard Interrogatories Pursuant to General Order No. 29 (San Francisco County Superior Court), the Debtor's Responses to Plaintiff's Standard Interrogatories (Alameda County Superior Court), the Debtor's Responses to Plaintiff's Standard Interrogatories (Solano County Superior Court), and the Debtor's Responses To Plaintiff's Interrogatories Propounded To All Defendants (First and Second Set)(Los Angeles County Superior Court), as well as any and all similar responses to Court-adopted standard interrogatories to defendants in asbestos related actions pending in other jurisdictions.

The Claimant and his/her counsel also object to this Questionnaire on the grounds that it seeks information protected by the attorney-client privilege and attorney work product doctrine. The Questionnaire is replete with objectionable questions. Examples of such include, but are not limited to:

1. Questions asking whether the Claimant retained Counsel in order to receive any of the services performed by the testing doctor or clinician.
2. Whether the Claimant is aware of any relationship between the doctor and Claimant's counsel.
3. Information regarding each and every non-Grace asbestos containing product to which Claimant alleges exposure.
4. Settlement information for all prior settling defendants, as well as information regarding the amount of all bankruptcy claims payments.

Rule 33(d) of the Federal Rules of Civil Procedure specifically authorizes a party to produce the relevant documents from which the interrogatory may be answered in lieu of answering the interrogatory where "the burden of deriving the answer is substantially the same for the party serving the interrogatory as for the party served." Without waiving and specifically subject to the objections set forth herein, and in a good faith attempt to comply with the Court's order allowing the Debtor to serve this Questionnaire, the Claimant has provided responses to the Questionnaire, either by specifically answering questions or by attaching relevant documents, including interrogatory responses and expert medical reports. The attached documents provide answers responsive to questions which have not been completed in full or in part on the Questionnaire form. The Claimant is informed and believes and thereon alleges that the Debtor, its local counsel, and/or Designated Defense Counsel, was previously served with or voluntarily provided with the majority, if not all, of these documents. To the extent, if any, that the requested information cannot be readily derived from the attached documentation, The Wartnick Law Firm is prepared to meet and confer in good faith regarding potential supplemental responses, or will supplement these responses upon further order of the Court.



THE WARTNICK LAW FIRM

A PROFESSIONAL CORPORATION

HARRY F. WARTNICK (1947-2003)
RICHARD A. BRODY
JANE KOEGEL

650 CALIFORNIA STREET, 15TH FLOOR
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 986-5566
FACSIMILE (415) 986-5896

Of Counsel

STEVEN M. HAROWITZ
STEPHEN M. TIGERMAN
BERT Z. TIGERMAN

January 6, 2006

By FEDERAL EXPRESS - TRACKING NO.: 7924 8259 0139

Rust Consulting, Inc.
Claims Processing Agent
Re: W. R. Grace & Company Bankruptcy.
201 South Lyndale Avenue
Fairbault, MN 55021

Re: **W. R. GRACE ASBESTOS PERSONAL INJURY QUESTIONNAIRE**
Clients of The Wartnick Law Firm

To Whom It May Concern:

Enclosed please find completed W. R. Grace Asbestos Personal Injury Questionnaires for clients of The Wartnick Law Firm who are listed below. Please stamp this letter with a "Received" stamp or something similar to indicate receipt, and return it to our office in the enclosed stamped, self-addressed envelope.

The clients whose questionnaires are being submitted are the following:

<u>No.</u>	<u>Last Name</u>	<u>First Name</u>
1.	Clinton	Richard
2.	Ackerman	David
3.	Borgen	William
4.	Alexander	Thurman
5.	Book	William
6.	Burton	Matthew
7.	Blake	Merle
8.	Asborn	Mario
9.	Bichler	Jacob
10.	Billings	Warren
11.	Bjerke	Howard
12.	Yarnell	Elmore
13.	Wilson, Sr.	John
14.	White	Fulton
15.	Lilienthal	Anna
16.	Williams	Robert
17.	Lazar	Abel
18.	Rice	Willie
19.	Lewis	Victor



January 6, 2006
 Rust Consulting, Inc.
 Claims Processing Agent
 Re: W. R. Grace & Company Bankruptcy
 Page 2

<u>No.</u>	<u>Last Name</u>	<u>First Name</u>
20.	Chase	Maurice
21.	Dunbar	D. D.
22.	Lazar	Abel
23.	Barrineau	William
24.	Manning	Richard
25.	Lopes	Confessor
26.	Lehman	Harold
27.	Gishizky	Lev
28.	Nelson	Donald
29.	Stashin	Frank
30.	Mansell	Robert
31.	Pringle	Charles
32.	Poznanovich	John
33.	Prentice	John
34.	Pistol	Dallas
35.	Berk	William
36.	Attaway, Sr.	Billy
37.	Sellers	Donald
38.	Pulasky	Chester
39.	Shaffer	Donald
40.	Alberigi	William
41.	Kennedy	Robert
42.	Beasley	Alfred
43.	Luksys	Francis
44.	Beck	Robert
45.		
46.	Martin, Sr.	Frank
47.	Livingston	Phillip
48.	Verkerk	Otto
49.	Young	Sonny
50.	Quesada	Louis
51.	Rivera	Cesar
52.	Rogers	Floyd
53.	Tweten	Kenneth
54.	Roberts	William C.
55.	Renner	Warren
56.	McGrew	Fred
57.	Medema	William

REDACTED



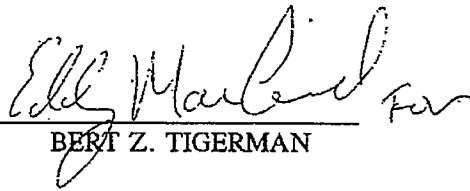
January 6, 2006
Rust Consulting, Inc.
Claims Processing Agent
Re: W. R. Grace & Company Bankruptcy
Page 3

Please note that the questionnaires were erroneously sent to our former address at 101 California Street, Suite 2200, San Francisco, California 94111. Please correct your records to reflect the following address:

Bert Z. Tigerman, Firm Administrator
The Wartnick Law Firm
650 California Street, 15th Floor
San Francisco, CA 94108
Telephone: (415) 986-5566
Facsimile: (415) 986-5896

Very truly yours,

THE WARTNICK LAW FIRM

By 
BERT Z. TIGERMAN

BZT:ns
Enclosures

FedEx Ship Manager | Label 7924 8259 0139

Page 1 of 1

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650 California Street
SAN FRANCISCO, CA 94108



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System#: 1534977/INET2300
Account#: S *****



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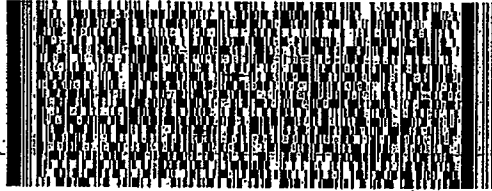
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Claims Agent W.R. Grace
Rust Consulting
201 South Lyndale Ave.

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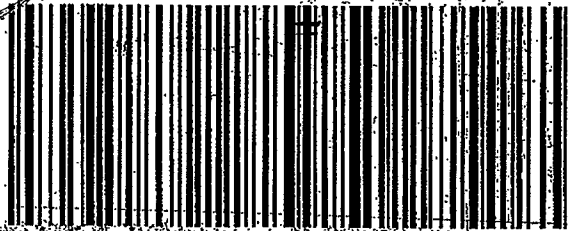
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